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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

KASSA, YOSEF

ART UNIT	PAPER NUMBER
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2625

DATE MAILED: 12/24/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/141,210

Applicant(s)

MATTISON, PHILLIP E.

Examiner

YOSEF KASSA

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/18/02.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Response to Arguments

1. Applicant's arguments with respect to claims 1-14, 16, 18 and 19-21 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-14, 16 and 19-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Morita (5,928,335).

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With regard to claim 1, Morita discloses a machine-readable medium having instructions that when executed by a processor (an image processing systems/devices such as scanner and printer unit col. 8, lines 10-12), cause the step of associating first image data, i.e., optically read out image data col. 8, lines 11-12, and the first method, i.e., image processing application 54, as part of an image object, i.e., image processing object 55, for being executed by an abstract machine, i.e., execution by CPU 2, to obtain first translated, i.e., convert to standard from (col. 6, lines 17-19), image data based upon the first image (col. 8, lines 14-20).

Claims 2 and 3 are rejected the same as claim 1. Thus, arguments analogous to that presented above for claim 1 is applicable to claims 2 and 3. Claims 2 and 3 distinguish from claim 1 only in that they recite a second image, second method and second object, and these features are taught by Morita. For example, as to second object, image processing units 39-42 in Fig. 5, and the second method is described in col. 8, lines 12-18, where Morita teaches, print application. As to the second object, the association of the second image with the second method as described in the above passages does read on the second object.

With regard to claim 4, the first translated data is in the same format as the first data (col. 7, lines 50-55).

Claim 5 is rejected the same as claims 1 and 2. Thus, argument analogous to that presented above for claims 1 and 2 are applicable to claim 5.

Claim 7 is rejected the same as claim 1. Thus, arguments analogous to that

presented above for claim 1 is applicable to claim 7. As to the limitation of transferring an image object (which corresponds to the request transmitting device 24 in Fig. 1).

Claims 8 and 9 are rejected the same as claims 2 and 3. Thus, arguments analogous to that presented above for claims 2 and 3 are applicable to claims 8 and 9.

Claim 10 is rejected the same as claim 1. Thus, argument analogous to that presented above for claim 1 is applicable to claim 10.

Claim 20 is rejected the same as claim 1. Thus, argument analogous to that presented above for claim 1 is applicable to claim 20.

Claims 6, 19 and 21 are rejected the same as claim 4. Thus, arguments analogous to that presented above for claim 4 are applicable to claims 6, 19 and 21.

With regard to claim 11, the first image data is the sensor data (optically read out image data col. 8, lines 10-12).

With regard to claim 12, second memory having instructions that when executed by the processor cause processing the sensor data into the first image data (col. 8, lines 13-15).

Claim 13 is rejected the same as claim 12. Thus, argument analogous to that presented above for claim 12 is applicable to claim 13.

With regard to claim 14, logic circuitry, i.e., computer systems, for processing the sensor data into the first image data (col. 8, lines 10-15).

With regard to claim 16, interface to a communication medium for transferring the first image data and the first method to a processing system separate from the imaging

device (Fig. 1, item 24), the processing system being configured with abstract machine (Fig. 1, client and server process).

With regard to claim 18, the Examiner takes Official Notice because the image object for including common file format, such as DIB is extremely well known as evidenced by Applicants own disclosure (See Specification, page 2, line 5). Therefore, it would have been obvious to one having ordinary skill in the art to incorporate an extremely well known file format into the system of Morita for storing bit-mapped images on PC's and Macintosh computers.

Claim Rejections - 35 USC § 103

3. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Morita (5,928,335) in view of Grantham et al (6,215,495).

With regard to claim 15, the logic circuitry performs (the computer systems of Morita's comprises logic circuitry).

Morita does not explicitly call for a color interpolation process. However, this feature is taught by Grantham et al (See Fig. 9, item 902). Morita and Grantham, et al are combinable because they are from a similar field of endeavor, that is, image process in object orient environments. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Grantham, et al with Morita to provide an interpolator, and to do so would at least enhances the image data. Therefore, it would have been obvious to combine Grantham et al with Morita to obtain the invention as specified on above claim 15.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicants' disclosure. US Patent No. (6,161,148) to Pratt et al discloses computer method and apparatus for interactive objects controls.
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to YOSEF KASSA whose telephone number is (703) 306-5918. The examiner can normally be reached on Monday-Thursday from 8:00 AM to 6:30 PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BHAVESH MEHTA can be reached on (703) 308-5246. The fax phone numbers for the organization where this application or proceeding is assigned is (703) 872-9314 for regular communication and (703) 872-9314 for after Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service office whose telephone number is (703) 306-5631. The group receptionist number for TC 2600 is (703) 305-4700.

PATENT EXAMINER

Yosef Kassa

12/19/02.


Jayanti K. Patel
Primary Examiner